

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Latrice Frazier	Team: Squad #1	CCRB Case #: 201902894	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/08/2018 4:00 PM	Location of Incident: 2-45 Beach 20th Street	Precinct: 101	18 Mo. SOL 2/8/2020	EO SOL 2/8/2020	
Date/Time CV Reported Thu, 03/28/2019 10:57 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/03/2019 11:20 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jose Villalba	22742	953530	101 PCT
2. Officers			101 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Galen Jansky	31838	954972	101 PCT
2. POM Stephen Dempsey	10108	943156	101 PCT
3. POM Christophe Kuzminski	15958	964102	101 PCT
4. POM Scott Edwards	14288	956617	101 PCT
5. SGT Matthew Gorman	00347	949049	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jose Villalba	Abuse: Police Officer Jose Villalba threatened to arrest § 87(2)(b)	
B.POM Jose Villalba	Abuse: Police Officer Jose Villalba refused to provide his name to § 87(2)(b)	
C.POM Jose Villalba	Abuse: Police Officer Jose Villalba refused to provide his shield number to § 87(2)(b)	
D. Officers	Abuse: Officers refused to provide their names to § 87(2)(b)	
E. Officers	Abuse: Officers refused to provide their shield numbers to § 87(2)(b)	

Case Summary

On March 28, 2019, § 87(2)(b) filed the following complaint with the IAB Command Center. The complaint was received by the CCRB on April 3, 2019.

On August 8, 2018, at approximately 4:00 p.m. § 87(2)(b) engaged in a physical dispute with § 87(2)(b) and § 87(2)(b)'s mother, § 87(2)(b) at 2-45 Beach 20th Street in Queens. Several officers from the 101st Precinct responded, PO Jose Villalba allegedly threatened to arrest § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g)) and refused to provide his name and shield number to her (**Allegations B and C: Abuse of Authority**, § 87(2)(g)). Other officers allegedly refused to provide § 87(2)(b) with their names and shield numbers (**Allegations D and E: Abuse of Authority**, § 87(2)(g)). There is no video evidence associated with this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Jose Villalba threatened to arrest § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Jose Villalba refused to provide his name to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Jose Villalba refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) alleged that § 87(2)(b) intentionally bumped her while inside a supermarket at the above location. § 87(2)(b) subsequently threw a milkshake in § 87(2)(b)'s face, and then § 87(2)(b) and § 87(2)(b) engaged in a physical dispute for 20 minutes before a store employee broke it up and the police responded. § 87(2)(b) exited the store while § 87(2)(b) and § 87(2)(b) remained inside. While outside, a bald Hispanic officer, identified by the investigation as PO Villalba (as he was the only bald and/or Hispanic officer), informed § 87(2)(b) that if she pressed charges against § 87(2)(b) and § 87(2)(b) that § 87(2)(b) would also be arrested since § 87(2)(b) was injured. § 87(2)(b) subsequently asked PO Villalba for his name and shield number. He responded, "what, what?" and walked away without providing his information (**Board Review 01**).

§ 87(2)(b)'s daughter, § 87(2)(b) did not mention hearing her mom ask for officer's name and shield numbers but said that officers did not disrespect her mother (**Board Review 03**).

PO Villalba did not recall the incident or recognize § 87(2)(b). PO Villalba did not recall threatening to arrest § 87(2)(b) or being asked for his name or shield number (**Board Review 06**).

PO Edwards and PO Kuzminski recalled responding to the incident but did not recall any officer threatening to arrest § 87(2)(b). They also did not recall § 87(2)(b) asking another officer for his name and shield number (**Board Reviews 04 and 05**).

According to New York State Penal Law §240.26, a person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person, she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same (**Board Review 02**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: Officers refused to provide their names to § 87(2)(b)

Allegation (E) Abuse of Authority: Officers refused to provide their shield numbers to § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) said she asked approximately eight officers for their names and shield numbers, and all eight officers responded by saying that she can get all of that down at the precinct and walked away towards their police vehicles. She described three Hispanic males and one black male, but could not provide any descriptions for the remaining four officers (**Board Review 01**).

§ 87(2)(b)'s daughter, § 87(2)(b) only recalled three responding officers and did not mention hearing her mom ask officers for their names and shield numbers (**Board Review 03**).

The NYPD's relevant event and resource recap log identified six responding officers. NYPD service photos indicate that all were white males except for PO Villalba, a Hispanic male.

PO Edwards, PO Kuzminski, and PO Villalba testified that they did not recall § 87(2)(b) asking for their or any officers names or shield numbers (**Board Reviews 04, 05 and 06**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to ten prior CCRB complaints and has been named victim in 16 allegations (**Board Review 07**).
 - § 87(2)(b)
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- PO Villalba has been a member of the service for seven years and this is his first CCRB complaint.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of December 12, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint. (**Board Review 09**).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____

CCRB Case # 201902894

Signature

Print Title & Name

Date